

**DECLARATION
OF
Dr. JOHN C. KRALIK**

Pursuant to 37 CFR § 1.132, I, John Kralik, declare the following:

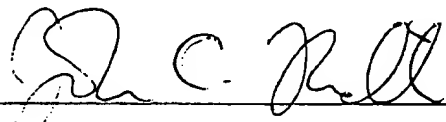
1. I studied Physics and earned my B.S. from the Pennsylvania State University at State College, PA; after completing my undergraduate studies, I studied Physics and earned a doctorate from the Lehigh University in Bethlehem, PA.
2. I have conducted research in the area of Optical Physics for 10 years outside of graduate studies. While a graduate student at Lehigh University, I was awarded the Gotshall Fellowship and a Graduate School Fellowship to study plasma spectroscopy. I have been awarded 4 U.S. patents and have published more than 5 papers in the area of liquid crystal materials and devices.
3. Currently I am employed by Agilent Technologies, Inc. at the Wilmington, DE facility. I perform research and development in the Life Sciences and Chemical Analysis Division. I am an Optical Physicist in an R&D capacity.
4. I am the original inventor of the invention entitled "Method of Fabricating PDLIC Optical Devices" having serial number, 09/635,606.
5. I have read thoroughly the Office Action dated December 19, 2003 and have read thoroughly United States Patent No. 5,668,651 to Yamada *et al.*, which was cited therein.
6. One of the significant differences between the invention as disclosed in Yamada's '651 patent and the presently claimed invention is the use of an alignment

feature. Yamada discloses the use of two alignment layers; in contrast, the invention disclosed in US Pat. Application No. 09/635,606 does not employ any alignment features as stated in Yamada. Further, the use of these alignment features as articulated in Yamada would be detrimental to the operation of the device as claimed in US Pat. Application No. 09/635,606. Further, the omission of the alignment feature of Yamada would render his display device inoperative for its intended use.

7. The invention that is currently claimed in US Patent Application No. 09/635,606 does not employ the alignment features as articulated in Yamada's 651 patent. A person skilled in the art can disassemble the invention claimed in US Pat. Application No. 09/635,606 and examine the device; that skilled individual will notice an absence of an alignment features such as a furrow-alignment layer on any component.

8. Yamada discloses a display device, whereas what is claimed in US Pat. Application No. 09/635,606 is not, rather it can be a diffractive electrooptic device or a non-dispersive electrooptic device which is not a display device of the type that is disclosed in Yamada.

I, John Kralik, hereby declare that statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. Further affiant sayeth not.



John C. Kralik

Date: 2-19-04